

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	10
NO:	3

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1618, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 5. IC 9-30-5-1.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2001]: **Sec. 1.5. (a) This section applies to a person who is**
- 5 **arrested for operation of a vehicle after June 30, 2001, in violation**
- 6 **of IC 9-30-5-1(a) with an alcohol concentration equivalent to:**
- 7 **(1) at least eight-hundredths (0.08) gram; and**
- 8 **(2) not more than nine-hundredths (0.09) gram;**
- 9 **of alcohol per one hundred (100) milliliters of the person's blood or**
- 10 **two hundred ten (210) liters of the person's breath.**
- 11 **(b) Before conviction, a court may defer the prosecution of a**
- 12 **person who is a defendant under IC 9-30-5-1(a) if all of the**
- 13 **following conditions are met:**
- 14 **(1) The person does not have a previous conviction under**

1 **IC 9-30-5-1 through IC 9-30-5-5.**

2 **(2) The person has not:**

3 **(A) been previously charged under IC 9-30-5-1(a); and**

4 **(B) had the previous charges dismissed under this section.**

5 **(3) The offense does not involve bodily injury or property**
6 **damage.**

7 **(4) The person completes a court approved alcohol program.**

8 **(5) The court suspends the person's operator's license for**
9 **thirty (30) days under IC 9-30-6-9. The court may order the**
10 **suspension to commence retroactively on the date of the**
11 **person's arrest.**

12 **(6) The person and the prosecuting attorney consent to the**
13 **deferral of the prosecution.**

14 **(c) If the person fulfills the conditions set forth in subsection (b),**
15 **the court shall dismiss the charges.**

16 **(d) If a person violates a condition under subsection (b), the**
17 **court may order the criminal proceedings to be resumed."**

18 Page 5, between lines 25 and 26, begin a new paragraph and insert:

19 "SECTION 10. IC 9-30-9-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) This section
21 applies to a criminal proceeding in which the use or abuse of alcohol
22 is a contributing factor or a material element of the offense. **This**
23 **section does not apply to a defendant under IC 9-30-5-1.5.**

24 (b) The court may take judicial notice of the fact that proper medical
25 treatment is likely to decrease the defendant's tendency to engage in
26 antisocial behavior.

27 (c) Before conviction, the court, with the consent of the defendant
28 and the prosecuting attorney, may conditionally defer the proceedings
29 described in subsection (a) for up to four (4) years. However, a
30 prosecution may not be deferred under this section if:

31 (1) the offense involves death or serious bodily injury;

32 (2) other criminal proceedings, not arising out of the same
33 incident, alleging commission of a felony are pending against the
34 defendant;

35 (3) the defendant is on probation or parole and the appropriate
36 parole or probation authority does not consent to the defendant's
37 participation; or

38 (4) the defendant fails to meet additional eligibility requirements

1 imposed by the court.

2 (d) The court may order the defendant to satisfactorily complete the
3 program established under section 2 of this chapter if the court makes
4 a determination under subsection (b). The court may impose other
5 appropriate conditions upon the defendant."

6 Page 9, between lines 22 and 23, begin a new paragraph and insert:

7 "SECTION 13. IC 12-23-5-0.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5 This chapter does not apply**
10 **to a proceeding involving a person subject to IC 9-30-5-1.5."**

11 Renumber all SECTIONS consecutively.

(Reference is to HB 1618 as introduced.)

and when so amended that said bill do pass.

Representative Kuzman